

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROQUE "ROCKY" DE LA FUENTE,

Plaintiff,

v.

KIM WYMAN, in her official capacity as the
Secretary of State of the State of Washington,

Defendants.

Case No. 3:16-cv-05801

**PLAINTIFF'S NOTICE OF
CONSTITUTIONAL CHALLENGE
PURSUANT TO RULE 5.1 OF THE
FEDERAL RULES OF CIVIL
PROCEDURE**

Pursuant to Fed.R.Civ.P. Rule 5.1, plaintiff hereby gives notice to Attorney General Bob Ferguson that plaintiff is challenging the constitutionality of RCW 29A.56.660 of the Revised Code of Washington under the First and Fourteenth Amendments to the United States Constitution.

Plaintiff requests in the Complaint (Document #1 on the Court's Docket): (1) Preliminarily enjoin defendants from enforcing RCW 29A.56.620 of the Revised Code of Washington; (2) Permanently enjoin defendants from enforcing RCW 29A.56.620 of the Revised Code of Washington; (3) Declare RCW 29A.56.620 of the Revised Code of Washington unconstitutional as applied to independent candidates for President of the United States; (4) Award plaintiff the cost of this action together with their reasonable attorneys' fees

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CHALLENGE PURSUANT TO RULE 5.1 OF THE
FEDERAL RULES OF CIVIL PROCEDURE- 1
Case No. 3:16-cv-05801

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Seattle, WA 98155
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1 and expenses pursuant to 42 U.S.C. §1988; and,(5) Retain jurisdiction of this action and grant
2 plaintiff such other relief which may in the determination of this Honorable Court to be
3 necessary and proper.

4 DATED this 19th day of September, 2016.

5 BADGLEY MULLINS TURNER PLLC

6
7 /s/Donald H. Mullins

8 Donald H. Mullins, WSBA #4966

9 Wesley G. Foreman, WSBA #44269

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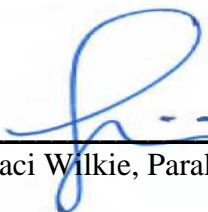
15 Email: wforeman@badgleymullins.com

16 **Attorneys for Plaintiff**

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CERTIFICATE OF SERVICE

17 I hereby certify that on September 19, 2016, I served a copy of the foregoing on the
18 following parties via legal messenger:

18 Secretary Kim Wyman
19 Washington Secretary of State
20 Elections Division
21 520 Union Avenue SE, Suite 250
22 Olympia, WA 98504

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Staci Wilkie, Paralegal